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14
15 UNITED STATES BANKRUPTCY COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN JOSE DIVISION

18 In re
19 MI PUEBLO SAN JOSE, INC.,
20 Debtor.

21 Case No. 13-53893
22 Chapter 11

23 NOTICE OF HEARING ON:

24 1) APPLICATION BY PACIFIC
25 MEAT COMPANY FOR
ALLOWANCE AND PAYMENT OF
CHAPTER 11 ADMINISTRATIVE
EXPENSE UNDER BANKRUPTCY
CODE §503(b)(9);
2) WELLS FARGO BANK'S
OPPOSITION THERETO; AND
3) OPPORTUNITY FOR HEARING
BY OTHER PARTIES ON SAID
APPLICATION

26 Reserved Hearing
27 Date: September 10, 2013
28 Time: 3:00 p.m.
Court: Arthur S. Weissbrodt

1 Please take notice that, pursuant to 11 U.S.C. §503(b)(9), that Gaukel
2 Enterprises, Inc. d/b/a Pacific Meat Company (“Pacific Meat”), creditor in the
3 above-captioned case, filed an Application for Allowance and Payment of Chapter
4 11 Administrative Expense under Bankruptcy Code §503(b)(9) (“Application”) in
5 this matter on August 7, 2013. (The complete Application is available for inspection
6 through the electronic docket, at the Office of the Clerk at the U.S. Courthouse,
7 280 S. First Street, Room 3035, San Jose, CA 95113, or by contacting the
8 undersigned.)

9 The Application has been served electronically on Wells Fargo Bank (“WFB”)
10 and, more than three days prior thereto, the Debtor delivered to WFB a “Claim
11 Package”, as set forth in Paragraph 6 of the AMENDED Order (I) Granting
12 Administrative Expense Status to Debtor’s Undisputed Obligations to Vendors
13 Arising from Post-Petition Delivery of Goods Ordered Pre-Petition and Authorizing
14 Debtor to Pay Such Obligations in the Ordinary Course of Business; (II) Authorizing
15 Payment for Goods Received Within Twenty Days of Filing and Establishing
16 Administrative Claims Bar Date for Section 503(b)(9) Claims; and (III) Establishing
17 Procedures and to Allow Claims of Perishable Agricultural Commodities Act and
18 Packers and Stockyard Act Claimants (the “Amended Order”).

19 The Amended Order provides that WFB shall have three business days after
20 the date of receipt of the Claim Package to review the documentation and, if WFB
21 objects to payment of Pacific Meat’s claim and WFB and the parties are unable to
22 resolve the objection through negotiation, the Debtor shall set a hearing on not less
23 than 20 days notice, with a briefing schedule as set forth in Paragraph 6 of the
24 Amended Order. WFB filed an Opposition to the Application after the expiration of
25 the time set forth in the Order. WFB has not responded to Pacific Meat’s request to
26 withdraw the Opposition, a copy of which is attached hereto. Pacific Meat hereby
27 requests that the Debtor set a hearing on the Application on September 10, 2013

1 at 3:00 p.m.

2 Any other party or person wishing to object to Pacific Meat's Application
3 should follow the procedures of Bankruptcy Local Rule 9014-1 of the United States
4 Bankruptcy Court for the Northern District of California by: a) filing a written
5 objection within 21 days from the mailing of this notice; and b) serving a copy of the
6 request or objection upon Pacific Meat, the debtor's counsel, counsel for the
7 unsecured creditors committee, counsel for Wells Fargo Bank and the United
8 States Trustee. Any such request for hearing or objection must be accompanied
9 by any declarations or memoranda of law the requesting or objecting party wishes
10 to present in support of its position. If such a request or objection is timely filed,
11 the hearing on said request or objection will also take place on September 10,
12 2013 at 3:00 p.m. or, if necessary, a later date, on at least seven days written
13 notice.

14 Respectfully submitted,

15 Dated: August 12, 2013

16 GREENFIELD SULLIVAN DRAA
& HARRINGTON LLP

18 By: /s/ Marcia E. Gerston

19 Marcia E. Gerston
20 Attorneys for Creditor
Pacific Meat Company